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IN THE
SUPREME COURT OF THE UNITED STATES

HENRY MONTGOMERY, *Petitioner*,
v.

STATE OF LOUISIANA, *Respondent*.

ON WRIT OF *CERTIORARI*
TO THE LOUISIANA SUPREME COURT

BRIEF OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW'S CHILDREN AND FAMILY JUSTICE CENTER and CENTER ON WRONGFUL CONVICTIONS OF YOUTH, ET AL. AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF *AMICI*[1]

While representing diverse viewpoints and constituencies, the more than 100 organizations and individuals submitting this brief share a common belief: children are fundamentally different than adults in meaningful ways that require special consideration at sentencing. *Amici* include juvenile and criminal justice advocacy groups, correctional professionals, defender organizations, experts in adolescent development, researchers and academics, former youthful offenders, religious organizations, and judges. Based on their vast and varied experiences, *Amici* understand that children who commit even the most serious crimes are less culpable than adults and more capable of rehabilitation and redemption. *Amici* therefore believe that all children facing or serving life without parole—no matter the dates on which their convictions became final or the places at which their offenses occurred—are entitled to hearings in which sentencers must consider "how children are different, and how those differences counsel against

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[1] The consent of counsel for all parties is on file with the Court. Pursuant to Rule 37.6, no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief.

irrevocably sentencing them to a lifetime in prison." *Miller v. Alabama*, ___ U.S. ___, 132 S. Ct. 2455, 2469 (2012).

IDENTITY OF *AMICI*

See Appendix for a list and brief description of all *Amici*.

SUMMARY OF ARGUMENT

Over the past ten years, this Court has ushered in a new era in juvenile justice. A trio of Eighth Amendment decisions—*Roper v. Simmons*, *Graham v. Florida*, and *Miller v. Alabama*—has fundamentally reshaped the interactions children have with, and their permissible outcomes in, our criminal justice system. In those decisions, this Court placed categorical limits on the type and severity of punishment that may be imposed on those under the age of 18 and declared that criminal procedure laws that fail to account in any way for a defendant's youthfulness are flawed. By grounding these decisions in scientific advancements regarding adolescent development and behavior, as well as a common sense trust in what we see with our eyes and know in our hearts about how children think and make decisions, this Court has made constitutionally manifest the simple, yet profound truth: youth matters.

These decisions mark the reversal of the previous decade's alarming trend in favor of the increasingly punitive treatment of youth—a trend fueled by now-debunked fears of a coming generation of violent juvenile "super-predators." By the end of the 1990s, these fears had driven almost every state to minimize or even erase important distinctions between children and adults in the criminal

sentencing context. But relying on science, reason, and fundamental notions of decency embedded in the Eighth Amendment, this Court proclaimed in *Roper v. Simmons* and *Graham v. Florida* that children are categorically less culpable than adults for their actions; thus, it categorically banned the death penalty and, in non-homicide cases, life without parole sentences for youth who were younger than 18 at the time of their offenses. But in *Miller v. Alabama*, this Court extended this logic to categorically ban mandatory life without parole sentences for all youth who were younger than 18, even those convicted of homicide offenses; and it required lower courts to consider the "hallmark" attributes of youth—including immaturity, impulsivity, susceptibility to peer pressure, the inability to foresee risks and consequences, and the inability to extricate themselves from their home environments, no matter how dysfunctional—before imposing the severest possible sentence on a child. *Miller* cemented a seismic shift in Eighth Amendment jurisprudence relating to children. Given its significance, its categorical nature, and the precedents from which it descends, *Miller* is rightly viewed as both substantive and a watershed procedural rule and thus cannot be subjected to the *Teague v. Lane* bar on retroactivity.

Retroactive application is further warranted by principles of equity. The individualized, child-centered consideration that *Miller* demands was wholly absent for Henry Montgomery and the many other children whose crimes occurred before this Court's decision in *Miller*. On November 13, 1963, Mr. Montgomery, a seventeen-year-old black youth, shot and killed Charles W. Hurt, a white police officer, in segregated East Baton Rouge, Louisiana. For that tragic act, Mr. Montgomery ultimately received a mandatory life without parole sentence and has spent the past fifty-one years in prison, fully expecting to draw his last breath there. But when *Miller* was decided on June 28, 2012, his expectations and hopes changed, as did the expectations and hopes of so many others who were similarly sentenced to mandatory life sentences that could not be constitutionally imposed today. *Amici* simply ask that these individuals' youthfulness matter to this Court more than the dates on which their offenses occurred. Given the progress of our maturing society, there can be no justification for a state to impose an unconstitutional sentence on some but not others. Indeed, there can be no reason to allow Kuntrell Jackson, the petitioner in *Miller's* companion case *Jackson v. Hobbs*, to benefit from a *Miller* resentencing hearing on state collateral review, as has occurred, but to deny Mr. Montgomery that same opportunity.

Amici submit that while it is true that human beings—even children—can commit terrible crimes that cause irreparable harm, this Court's decisions in *Roper*, *Graham*, and *Miller* stand for the principle that because of their diminished culpability and their great capacity to change and rehabilitate, young people are more than their worst act. Science, reason, and law dictate that when a state condemns a child to die in prison for his or her crimes, it must do so based on the particularized consideration of the youth-specific factors that this Court enumerated in *Miller*. Such consideration is necessary and right, whether the crime occurred today, yesterday, or decades ago. In short, it is what humanity requires. Therefore, *Amici* respectfully request that this Court hold that *Miller* applies retroactively.

ARGUMENT

I. In Recognizing that "Children are Different" from Adults, *Miller v. Alabama* Represents a Transformation in Law, Practice, and Constitutional Jurisprudence Relating to the Punishment of Children, Thus Warranting Retroactive Application.

"Children are different," announced this Court in *Miller v. Alabama*; and "those differences counsel against irrevocably sentencing them to a lifetime in prison." ___ U.S. ___, 132 S. Ct. 2455, 2469 (2012). These words effected a transformation in state law, practice, and constitutional jurisprudence relating to the ways in which juvenile offenders are punished. As such, *Miller* must be applied retroactively.

A. In the Pre-*Miller* Era of the Juvenile "Super-Predator," Juvenile Penalties Often Reflected the Now-Discredited Premise that Children Who Had Committed Serious Crimes Were Irredeemable.

Before the *Roper-Graham-Miller* line of caselaw, the task of sentencing juvenile offenders was governed across the states by a fundamentally punitive principle. Beginning in the early 1990s, extensive but misleading media coverage of violent crimes by juveniles—especially homicides with

firearms—fueled frightening perceptions of a juvenile crime epidemic. *See* Patricia Torbet and Linda Szymanski, *State Legislative Responses to Violent Juvenile Crime: 1996-97 Update, Office of Juvenile Justice and Delinquency Prevention* (Nov. 1998), *available at* https://www.ncjrs.gov/pdffiles/172835.pdf (hereinafter Torbet and Szymanski, State Legislative Responses). This narrative was epitomized by former Princeton professor John DiIulio's then-popular prediction of an onslaught of morally depraved juvenile "super-predators":

> On the horizon are tens of thousands of severely morally impoverished juvenile super-predators. They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons (for example, a perception of slight disrespect or the accident of being in their path). They fear neither the stigma of arrest nor the pain of imprisonment. They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality So for as long as

> their youthful energies hold out, they will do what comes "naturally": murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.

See John DiIulio, *The Coming of the Super-Predators*, The Weekly Standard, Nov. 27, 1995, at 23, *available at* http://www.weeklystandard.com/Content/Protected/Articles/000/000/007/011vsbrv.asp?page=1.[2]

Over the course of the 1990s, the super-predator myth convulsed across the popular and political consciousness. The theory was promoted widely; *Newsweek*, for instance, published a 1996 article that warned of "a generation of teens so numerous and savage that they'll take violence to a new level" and quoted then-Cook County, Illinois, State's Attorney Jack O'Malley: "It's 'Lord of the Flies' on a massive scale." *Superpredators Arrive*, Newsweek (Jan. 21, 1996), http://www.newsweek.com/superpredators-arrive-176848. Lawmakers embraced the super-predator

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[2] *See also* Steven Drizin, Laura Nirider, & Joshua Tepfer, *Juvenile Justice Investigation: Narrative Contamination, Cultural Stereotypes, and the Scripting of Juvenile False Confessions*, in *Examining Wrongful Convictions: Stepping Back, Moving Forward* (A. Redlich et al., eds. 2014).

phenomenon. During a House of Representatives subcommittee hearing on the Juvenile Justice and Delinquency Prevention Act, for instance, former Florida congressman Bill McCollum warned the subcommittee to "brace yourself for the coming generation of super-predators." *House Committee on Economic and Educational Opportunities, Subcommittee on Early Childhood, Youth and Families, Hearings on the Juvenile Justice and Delinquency Prevention Act*, Serial No. 104-68, 104th Cong., 2d sess., 1996, p. 90, available at http://babel.hathitrust.org/cgi/pt?id=pst.000026223315;view=1up;seq=96 (statement of Rep. Bill McCollum, chairman, Subcommittee on Crime, House Judiciary Committee). Even President Bill Clinton referred in a speech to "wave after wave of these little children who are so vulnerable that their hearts can be turned to stone by the time they're 10 or 11 years old." *Clinton Cites Need for Role Models*, Chicago Sun-Times, Oct. 18, 1994, at 3.

Driven by these fears, state lawmakers took steps to erase legal differences between child and adult offenders. From 1992 to 1998, the vast majority of states amended their juvenile penalty laws to make it easier to dispense "adult time" for "adult crimes"—even when those so-called adult crimes were committed by children. Perry Moriearty, *Miller v. Alabama and the Retroactivity of*

Proportionality Rules, 17 U. Pa. J. Const. L. 929, 940 (2015). Indeed, between those years, no fewer than forty-five states changed their transfer statutes to make it much easier to prosecute children in adult criminal court, either by increasing the list of offenses for which adult prosecution was available, by lowering the age at which children could be tried as adults, or both. *See* Howard N. Snyder & Melissa Sickmund, Nat'l Center for Juv. Just., U.S. Department of Justice, Juvenile Offenders and Victims: 2006 National Report 96 (2006), *available at* http://www.ojjdp.gov/ojstatbb/nr2006/downloads/nr2006.pdf. By 1999, the majority of states had changed their laws to require juveniles charged with certain offenses to be tried as adults, thus removing all discretion from the transfer process; in some states, this applied to children as young as ten years old. Barry C. Feld, *A Slower Form of Death: Implications of Roper v. Simmons for Juveniles Sentenced to Life Without Parole*, 22 Notre Dame J. L. Ethics & Pub. Pol'y 9, 13 (2008); Patricia Griffin, Patricia Torbet, & Linda Szymanski, Nat'l Center for Juv. Just., U.S. Department of Justice, NCJ 1072836, *Trying Juveniles in Criminal Court: An Analysis of State Transfer Provisions*, 14-15 (1998), *available at* https://www.ncjrs.gov/pdffiles/172836.pdf.

These changes in the ways juvenile offenders were regarded were not limited to the process of

transfer. Throughout the 1990s, numerous states also adopted or modified blended sentencing schemes that allowed juveniles tried in juvenile court to face adult time. Other states elected to impose mandatory minimum sentences on youth guilty of certain offenses. Torbet and Szymanski, State Legislative Responses at 6-7. By the end of 1997, seventeen states had even amended their juvenile court statutes' purpose clauses to emphasize themes like public safety and offender accountability, rather than the rehabilitation of children. Torbet and Szymanski, State Legislative Responses at 9; Craig Hemmens, Eric Fritsch, and Tory J. Caeti, *Juvenile Justice Code Purpose Clauses: The Power of Words*, 8 Crim. Just. Pol'y Rev. 221, 221-45 (1997).

As these changes took effect, more and more children found themselves funneled into an adult system that unblinkingly handed down the severest of penalties, including life without parole and the death penalty. In 1992, about 12,500 individuals—including both adults and juveniles—were serving sentences of life without parole; by 2008, that number had increased to over 41,000. Ashley Nellis and Ryan S. King, *No Exit: The Expanding Use of Life Sentences in America*, 8-10, (2009), *available at* http://sentencingproject.org/doc/publications/publications /inc_NoExitSept2009.pdf.

The predicted juvenile crime wave, however, failed to materialize. Between 1997 and 2007, juvenile crime declined across the country—but not as a result of punitive measures adopted by states. *See* Richard A. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, 26-27 (2011), *available at* http://www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf. In fact, those states that had reduced juvenile incarceration at the greatest rate experienced a slightly above-average reduction in juvenile violent crime rates. *Id.* Neither states that had authorized juvenile life without parole nor states that had required juveniles older than 16 to be tried as adults experienced a greater drop in juvenile violent crime than other states. *Id.* In short, the popular prediction of a coming juvenile crime wave simply did not come true. Nonetheless, a wave of rigidly punitive laws was firmly in place, as were thousands of children sentenced to die in prison as a consequence of an unsubstantiated surge of moral panic. Such was the state of affairs until this Court's intercession in *Roper v. Simmons*, *Graham v. Florida*, and, finally, *Miller v. Alabama*.

B. *Miller v. Alabama* Reboot: Even the Most Serious Child Offenders Are Now Considered Potentially Redeemable.

In *Roper*, *Graham*, and *Miller*, this Court recast the fundamental principles governing how

children interact with, and experience outcomes within, the criminal justice system. Rather than beginning from the premise that children who commit serious offenses are amoral or irredeemable, these cases rest upon the understanding that children are different than adult offenders and are, by their nature, redeemable. This is true, the *Miller* court emphasized, even when children have committed the worst of crimes. *See* 132 S. Ct. at 2465. This shift, and its implications for how children may be punished, was seismic.

In these cases, this Court placed categorical limits on the severity of punishments that may be imposed on children under the age of 18 at the time of the offense. The first step was taken in *Roper v. Simmons*, when this Court announced a categorical ban on the death penalty for all juveniles. 543 U.S. 551, 567, 574 (2005) (abrogating *Stanford v. Kentucky*, 492 U.S. 361 (1989), which had rejected such a categorical ban). It did so because "it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." *Id.* at 570. Five years later, in *Graham v. Florida*, this Court placed a categorical ban on juvenile sentences of life without parole for non-homicide offenses. 560 U.S. 48, 74 (2010) (departing from *Harmelin v. Michigan*, 501 U.S. 957 (1991), and its progeny,

which had created different standards of review for capital and non-capital cases). In so doing, it found no meaningful distinction between a sentence of death and a sentence of life without the possibility of parole for juveniles, given that both sentences overlooked juveniles' fundamental potential for redemption. *Id.* at 74 (describing life without parole, like the death penalty, as a sentence which "alters the offender's life by a forfeiture that is irrevocable").

In barring life without parole sentences for juveniles convicted of non-homicide offenses, *Graham* held that because children's personalities are still developing and capable of change, the imposition of an irrevocable penalty that afforded no opportunity for release was developmentally incongruous and constitutionally disproportionate. Notably, *Graham* found that the "salient characteristics [of youth] mean that '[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.' Accordingly, 'juvenile offenders cannot with reliability be classified among the worst offenders.'" *Id.* (quoting *Roper*, 543 U.S. at 569, 573).

Miller v. Alabama and its companion case, *Jackson v. Hobbs*, expanded and expounded upon this new understanding. In *Miller*, this Court

categorically banned mandatory life without parole sentences for all children under 18—*even* those convicted of serious homicide offenses. The Court's holding, grounded "not only on common sense but on science and social science," concluded that a child's "transient rashness, proclivity for risk, and inability to assess consequences both lessened a child's 'moral culpability' and enhanced the prospect that, as the years go by and neurological development occurs, his 'deficiencies will be reformed.'" *Miller*, 132 S. Ct. at 2464-65 (quoting *Graham*, 560 U.S. at 68-69 (quoting *Roper*, 543 U.S. at 570)). Perhaps most importantly, this Court emphasized that "none of what [*Graham*] said about children is crime-specific." *Miller*, 132 S. Ct. at 2465. In other words, none of *Graham*'s ardently expressed faith in children's redemptive potential could be swept aside simply on the basis of the severity of a child's offense.

In reaching these conclusions, this Court has relied upon an increasingly settled body of research confirming that "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds." *Graham*, 560 U.S. at 68; *see also Miller*, 132 S. Ct. at 2464 n. 5 ("[T]he science and social science supporting *Roper* and *Graham*'s conclusions have become even stronger"). This research confirms the

existence of three primary characteristics that distinguish youth from adults for the purpose of determining culpability. *See Miller*, 132 S. Ct. at 2464; *Graham*, 560 U.S. at 68; *Roper*, 543 U.S. at 569.

"First, children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking." *Miller*, 132 S. Ct. at 2464 (internal citations omitted). Leading psychological researchers have concluded that "even when adolescent cognitive abilities approximate those of adults, youthful decision making may still differ due to immature judgment." *See, e.g.*, Elizabeth S. Scott & Laurence Steinberg, *Blaming Youth*, 81 Tex. L. Rev. 799, 813 (2003). Neuroscientific research has similarly confirmed that adolescents have limited ability to coordinate the different brain regions needed for reasoning and problem solving. Kenneth J. King, *Waiving Childhood Goodbye: How Juvenile Courts Fail to Protect Children from Unknowing, Unintelligent, and Involuntary Waivers of Miranda Rights*, 2006 Wis. L. Rev. 431, 461 (2006). In particular, the human brain's prefrontal cortex—which controls risk assessment, the ability to evaluate future consequences, and impulse control—does not fully develop until a person reaches his or her early 20s. Jay N. Giedd, *Structural Magnetic Resonance*

Imaging of the Adolescent Brain, 1021 Annals N.Y. Acad. Sci 77, 77 (2006). Adolescents, thus, frequently "underestimate the risks in front of them and focus on short-term gains rather than long-term consequences." Barry Feld, *The Youth Discount: Old Enough to Do the Crime, Too Young to Do the Time*, 11 Ohio St. J. Crim. 107, 116-17 (2013).

"Second," the *Miller* Court stated, "children are more vulnerable to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings." *Miller*, 132 S. Ct. at 2464. *Accord Graham*, 560 U.S. at 68; *Roper*, 543 U.S. at 569. That adolescents are developmentally less capable than adults of making sound decisions when peer pressure is strong is widely accepted. *See, e.g.*, Jay D. Aronson, *Brain Imaging, Culpability and the Juvenile Death Penalty*, 13(2) Psychol. Pub. Pol'y & L. 115, 119 (2007). Researchers have also noted that environmental factors can also pressure children to break the law: "[A]s legal minors, [adolescents] lack the freedom that adults have to extricate themselves from a criminogenic setting." Laurence Steinberg & Elizabeth Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished*

Responsibility, and the Juvenile Death Penalty, 58 Am. Psychologist 1009, 1014 (2003).

"And third," the *Miller* Court found, "a child's character is not as well formed as an adult's; his traits are less fixed and his actions less likely to be evidence of irretrievable depravity." *Miller*, 132 S. Ct. at 2464; *see also Roper*, 543 U.S. at 569-70; *Graham*, 560 U.S. at 68. The elasticity of human development, particularly during the years of maturation from childhood into adulthood, is again well-supported by research. *See, e.g.*, Alex R. Piquero, *Youth Matters: The Meaning of Miller for Theory, Research, and Policy Regarding Developmental/Life-Course Criminology*, 39 New Eng. J. on Crim. & Civ. Confinement 347, 349 (2013) ("As juveniles transition into early adulthood, there is a strengthening of self-regulation in the brain that is coupled with a change (or de-emphasis) in the way the brain responds to rewards. This change is also consistent with the aggregate peak and eventual precipitous decline in delinquency and crime observed in very early adulthood").

Borne of a new recognition of these three major differences between children and adults, and of the ways in which these differences reduce children's culpability for even the worst offenses, *Miller* marks a transformative moment in juvenile justice. Where once the watchword was "adult time

for adult crimes," the law now recognizes that almost no child warrants life without parole—even when that child has killed another person—except the vanishingly few who can reliably be deemed irreparably corrupt. This Court surely needs no reminder of the severity of fourteen-year-old Evan Miller's offense, which involved the fatal beating of his neighbor with a bat, or of fourteen-year-old Kuntrell Jackson's conviction for participating in the shooting death of a store clerk during an armed robbery. *Miller*, 132 S. Ct. at 2462. In the old way of thinking, Evan Miller and Kuntrell Jackson were irredeemable super-predators whose crimes transformed them into adults. Now, they are viewed—at least presumptively—as children whose crimes reflect their immaturity; while such children must held accountable in age-appropriate ways, they still deserve an opportunity to introduce evidence of their ability to grow and change.

Indeed, by holding that sentencers must recognize that children are different from adults, *Miller v. Alabama* stands for the intellectual demise of the super-predator theory itself. Laudably, Professor DiIulio—one of the original promoters of the theory—signed an *amicus curiae* brief submitted to this Court in *Miller* acknowledging that "scientific evidence and empirical data invalidate the juvenile superpredator myth." *See* Brief of Jeffrey Fagan, et

al., as *Amici Curiae*, *Miller v. Alabama*, No. 10-9646, at 18. In the wake of this debunked myth, however, the country and this Court are now left with numerous individuals who have been incarcerated since they were children—many of them for decades—without any opportunity to establish that they have matured past their former selves.

C. Death Is No Longer Uniquely Different Under the Eighth Amendment; After *Miller v. Alabama*, Children Are Different Too.

Before *Graham* and *Miller*, this Court had categorically banned only the most extreme and final punishment: death. But in *Graham* and *Miller*, the Court expanded categorical bans to cover certain noncapital penalties—juvenile life without parole for non-homicide offenses and mandatory juvenile life without parole for homicide offenses—in unprecedented fashion.

Graham and *Miller* recognize that children are entitled to different consideration precisely because they are less culpable and more capable of rehabilitation than adult defendants.[3] A less potent

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[3] In this way, *Graham and Miller*, while a dramatic step forward in Eighth Amendment jurisprudence, are also a natural extension of *Roper*'s holding that children are categorically less culpable than adults. 543 U.S. at 569-75.

shift in the way in which the law applies to children would not have required such an important extension of constitutional law. That *Miller* cemented this shift—and that this shift was based on children's differences from adults—was confirmed in a dialogue between the *Miller* majority and one of the dissenters in *Graham*. Writing in dissent, Justice Thomas noted that after *Graham*, "death is different no longer." 560 U.S. at 103 (Thomas, J., dissenting). Replied the majority in *Miller*: "([A]s *Harmelin* recognized) death is different, children are different too." 132 S. Ct. at 2470.

D. Because of its Transformative Nature, *Miller* Must Be Applied Retroactively.

Properly understood against this context, *Miller* cannot justly be subjected to *Teague v. Lane*'s bar on retroactivity. 489 U.S. 288, 311 (1989). *Miller* was the capstone in a new wave of constitutional jurisprudence regarding the punishment of juveniles—a wave that was based on inherently substantive determinations regarding the human condition, the attributes and consequences of youthfulness, and what constitutes cruel and unusual punishment under the Eighth Amendment. A change of this magnitude cannot be considered anything less than a new substantive rule or, in the alternative, a watershed rule of criminal procedure. *See, e.g., Aiken v. Byars*, 410 S.C. 534, 540-41 (S.C.

2014); *Casiano v. Commissioner of Correction*, 317 Conn. 52, 62 (CT 2015).

Miller is the same type of rule as the retroactive Eighth Amendment precedents from which it descends and thus must also be applied retroactively. *Roper* and *Graham* have been held to be substantive rules and applied retroactively by state courts across the country.[4] *Miller* is an integral third of this transformative trilogy; it is grounded in the same Eighth Amendment proportionality jurisprudence and premised upon the same undeniable scientific and common sense principles regarding juveniles' reduced culpability and greater capacity for rehabilitation and redemption. By its very nature, a ruling that a particular punishment is cruel and unusual and consequently barred by the Eighth Amendment necessarily constitutes a substantive judgment about evolving standards of decency and the unacceptability of such a punishment. In fact, this Court has never issued a decision barring a punishment as cruel and unusual that has not then been applied retroactively. *See*

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[4] *See, e.g.*, *Horn v. Quarterman*, 508 F.3d 306, 307–08 (5th Cir. 2007) (noting retroactive application of *Roper*); *LeCroy v. Sec'y, Fla. Dep't of Corr.*, 421 F.3d 1237, 1239–40 (11th Cir. 2005) (same); and *In re Moss*, 703 F.3d 1301, 1302 (11th Cir. 2013) (holding *Graham* applies retroactively to cases on collateral review); *In re Sparks*, 657 F.3d 258, 262 (5th Cir. 2011) (holding *Graham* was made retroactive on collateral review).

Atkins v. Virginia, 536 U.S. 304 (2002); *Kennedy v. Louisiana*, 544 U.S. 407 (2008) (barring the death penalty for the rape of a child); *Roper*, 543 U.S. 551, and *Graham*, 560 U.S. 48.[5] As such, *Miller* should be held retroactive for the same reasons.[6]

In the alternative, *Miller* should be considered a watershed rule of criminal procedure implicating the "fundamental fairness and accuracy of the

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[5] *See* footnote 4, *infra*, as well as *Hooks v. Workman*, 689 F.3d 1148 (10th Cir. 2012) (*Atkins*); *Black v. Bell*, 664 F.3d 81 (6th Cir. 2011) (*Atkins*).

[6] In its Eighth Amendment jurisprudence, this Court has recognized that the opinion of the international community and international legal principles are not irrelevant. *See, e.g., Graham*, 560 U.S. at 80, and *Roper*, 543 U.S. at 577 (noting the United States stood alone in a world that turned its face to the practice of imposing the juvenile death penalty and life without parole for non-homicide offenses). Accordingly, it is worth noting that the principle of *lex mitior* – that lenient changes in the penal law must be retroactively applied – is also widely recognized internationally. The obligation is explicitly included in Article 15 of the International Covenant on Civil and Political Rights (ICCPR) ("*If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby*"). International Covenant on Civil and Political Rights Art. 15.1, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171 *available at* http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx. Thus, despite the United States' reservation on ICCPR Article 15, this Court is not foreclosed from evaluating that standard in answering whether the rule in *Miller* should apply retroactively on collateral review.

criminal proceeding." *See Saffle v. Parks*, 494 U.S. 484, 496 (1990). After *Miller*, there exists an "impermissibly large risk" that a juvenile sentenced to life without parole received that sentence based on an inaccurate understanding of his or her culpability. *See Whorton v. Bockting*, 549 U.S. 406, 418 (2007). Indeed, the *Miller* Court found that life without parole sentences can constitutionally be imposed only in rare cases, suggesting that the majority of children who have been sentenced to mandatory life without parole likely should never have received that sentence. *See Miller*, 132 S. Ct. at 2469 ("[W]e think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon"). Under such circumstances, the risk of unconstitutionally disproportionate sentencing is a virtual guarantee. *Id.* Even further, *Miller* changed the bedrock procedural elements necessary to ensure the constitutional fairness of juvenile sentencing. *See Whorton*, 549 U.S. at 418. By requiring that courts, at a minimum, consider youthfulness and other specific factors before sentencing a juvenile to life without parole, the Court "effected a profound and sweeping change" in the bedrock procedural elements relevant to sentencing across the country. *Id.* at 421 (internal quotations omitted).[7]

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[7] While the Court has cautioned that watershed rules of criminal procedure will be rare, *Miller* is similar to the

Therefore, whether it is viewed as substantive or a watershed rule of criminal procedure, *Miller* should be applied retroactively.

II. As a Matter of Equity and Evenhanded Justice, *Miller v. Alabama* Should Apply Retroactively.

When this Court held in *Miller* and *Jackson* that a mandatory life without parole sentence for a juvenile would "forswear" the rehabilitative ideal, that pronouncement was not without context. *Miller*, 132 S. Ct. at 2465, 2467 (quoting *Graham*, 130 S. Ct. at 2030). At the time that *Miller* was decided, thousands of individuals were serving mandatory life without parole sentences that were handed out to

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quintessential watershed procedural rule, *Gideon v. Wainwright*. 372 U.S. 335 (1963). Indeed, the risk of inaccuracy under a mandatory sentencing scheme is comparable to the risk of inaccuracy resulting from a complete denial of counsel at sentencing. *See Bockting*, 549 U.S. at 419 (comparing new rule to *Gideon*, the prototypical watershed rule establishing right to counsel). This Court has recognized that "the necessity for the aid of counsel in marshaling the facts, introducing evidence of mitigating circumstances and in general aiding and assisting the defendant to present his case as to sentence is apparent," and therefore the right to counsel at sentencing "relates to the very integrity of the fact-finding process." *McConnell v. Rhay*, 393 U.S. 2, 3 (1968) (internal quotation marks omitted). Yet the right to counsel is worth little, even when the most powerful mitigating circumstances exist, when the sentence is mandatory.

them when they were children without any consideration of their lessened culpability or potential for redemption. 132 S. Ct. at 2477 (Roberts, C.J., dissenting) (noting that nearly 2,500 prisoners were presently serving juvenile life without parole sentences, over 2,000 of which were mandatory). As this Court weighs the jurisdictional and doctrinal issues entangled within this case, *Amici* thus respectfully submit that at the bottom of these doctrinal issues lie the fates of these many children—or, rather, the grown men and women who paid for mistakes they made as children with life behind bars.

Henry Montgomery was born on June 17, 1946. He committed the tragic crime that led to his life sentence on November 13, 1963—just three months after Dr. Martin Luther King, Jr.'s famed "I Have a Dream" speech and only two weeks before the assassination of President John F. Kennedy, Jr.—when he was 17 years old. At that time, the country was a very different place. Segregation ruled the South. Neither the Civil Rights Act of 1964 nor the Voting Rights Act of 1965 had yet been enacted. Over four years would pass before Dr. Martin Luther King, Jr. would be assassinated. Of particular relevance to this case, local newspapers covering the first trial of Mr. Montgomery—who was referred to in court documents as "Wolfman" and "a member of the

Negro race"—published reports that 100 crosses would be burned in an apparent "reactivation" of the Ku Klux Klan in Baton Rouge. *State v. Montgomery*, 248 La. 713, 728 (1966).

Mr. Montgomery is now sixty-nine years old. He has spent the past fifty-two years incarcerated in the Louisiana Department of Corrections. Over those same fifty-two years, Louisiana and the United States have undeniably transformed. Both state and country have passed laws to facilitate desegregation and greater equality, taking important steps towards the repudiation of old angers and hatreds. American society has matured in other directions, too; it has sent men to walk on the moon and developed the Internet and other modern-day miracles never before imagined. And just as society has grown in ways not imaginable in 1963, Mr. Montgomery has grown, too, beyond the misguided impulsivities of his youth. In spite of the constraints of his prison environment, he has evolved from a child to a mature and productive man. Today, Mr. Montgomery serves as coach and trainer for an athletic team that he helped found; he is employed in the silkscreen department; and he works to counsel and support fellow incarcerated men. Brief of Petitioner, *Henry Montgomery v. Louisiana*, No. 14-280, at 7. The question is whether he will ever have an opportunity to demonstrate his rehabilitation in court.

Indeed, despite the growth that both Mr. Montgomery and the society around him have experienced in the past half-century, Mr. Montgomery's sentence has deprived him of any hope of release—until recently. As this Court has rightly observed, a life without parole sentence for a child is the "denial of hope." *Graham*, 560 U.S. at 70 (quoting *Naovarath v. State*, 779 P. 2d 944, 944 (Nev. 1989)). It is no secret that many juveniles serving life sentences fall into despair and try, sometimes successfully, to kill themselves. *See* Human Rights Watch, *The Rest of Their Lives: Life without Parole for Child Offenders in the United States* 61-64 (2005), *available at* https://www.hrw.org/sites/default/files/reports/TheRestof TheirLives.pdf; *see also* Wayne A. Logan, *Proportionality and Punishment: Imposing Life Without Parole on Juveniles*, 33 Wake Forest L. Rev. 681, 712, n.141-47 (1998) (discussing the "psychological toll" associated with life without parole sentences, including perspectives that these sentences may be fates worse than the death penalty). Those children saw no light at the end of the proverbial tunnel, and indeed, there was none.

For the numerous individuals serving life sentences for crimes committed when they were children—many of whom have served decades in prison—*Miller* was the resurrection of hope. In the

three years since the *Miller* decision, these human beings have lived with the hope that, one day, they will be able to ask a court to consider mitigating factors with an eye towards release. They and their families have watched as courts in their states decide whether *Miller* will be applied to them; they have watched as timing and geography dictate their fates. Some have been granted the opportunity to present mitigating evidence. But many like Mr. Montgomery, who hails from a state that has not held *Miller* retroactive, must await this Court's decision in order in order to receive a sentence that is based not only on their offenses, but also on their individual development, maturation, culpability, and circumstances—indeed, on their very humanity.[8]

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[8] The situation in Louisiana has been particularly fraught for individuals who, like Mr. Montgomery, are serving life sentences for crimes committed when they were children who have been confronted with great uncertainty in the wake of *Miller*. Following this Court's decision in *Miller*, the Louisiana Supreme Court granted retroactive relief to the petitioner in *State v. Simmons*, 99 So. 3d 28 (La. 2012), in a *per curiam* ruling, holding that *Miller* "required that a sentencing court consider an offender's youth and attendant characteristics as mitigating circumstances before deciding whether to impose the harshest possible penalty for juveniles who have committed a homicide offense." *Simmons*, 99 So. 3d 28. The Louisiana legislature also passed legislation providing for compliance with *Miller*. 2013 La. Act 239; La. Code Crim. Proc. art. 878.1. Shortly thereafter, the Louisiana Supreme Court reversed course, finding

And there is every reason to believe that such sentencing hearings certainly would be fruitful. Research into the backgrounds of many individuals now serving juvenile life without parole has identified the presence of pre-offense socioeconomic disadvantage, victimization and abuse, and educational deficiencies. Ashley Nellis, *The Lives of Juvenile Lifers: Findings from a National Survey*, 7-13 (2012), *available at* http://sentencingproject.org/doc/publications/jj_The_Lives_of_Juvenile_Lifers.pdf. In mandatory juvenile life without parole cases, such mitigating factors, and whether the people serving these sentences have matured past those tragedies of childhood, have never been investigated, let alone presented in court.

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that *Miller* did not apply retroactively and that the legislature's recent enactments applied only prospectively. *State v. Tate*, 130 So. 3d 839 (La. 2013). Meanwhile, some individuals who had brought claims arguing that their life without parole sentences should be vacated in light of *Miller* and the Louisiana Supreme Court decision in *Simmons*, had their sentences converted to life *with* parole sentences, which they then appealed as non-compliant with *Miller* and *Roper*. *See, e.g.*, *State v. Griffin*, 145 So. 3d 545, 546 (La. Ct. App. 2014), *writ denied*, 159 So. 3d 1066.

However, the reviewing court, relying on *Tate* and its authority to correct an "illegally lenient" sentence, subsequently reinstituted the life-without-parole sentence, finding that under *Tate*, these individuals were not entitled to relief at all. *Id.* at 549-50.

This Court's retroactivity analysis need not operate devoid of any notion of fairness or equity. Indeed, while this Court has provided for different retroactivity standards that depend on the nature of new constitutional rules, its retroactivity analysis is firmly rooted in the principle that "once a new rule is applied to the defendant in the case announcing the rule, evenhanded justice requires that it be applied retroactively to all who are similarly situated." *Teague*, 489 U.S. at 300. As this Court further emphasized, "the harm caused by the failure to treat similarly situated defendants alike cannot be exaggerated: such inequitable treatment 'hardly comports with the ideal of administration of justice with an even hand.'" *Id.* at 315 (quoting *Hankerson v. North Carolina*, 432 U.S. 233, 247 (1977) (Powell, J., concurring in judgment)) (internal quotation omitted).

To discern what evenhanded justice would look like under *Miller*, one need look no further than to Kuntrell Jackson, the "defendant in the case announcing the rule." *Teague*, 489 U.S. at 300. Mr. Jackson, who was the petitioner in the companion case to *Miller v. Alabama*, was fourteen years old in 1999 when he became involved in an armed robbery that turned fatal. After trial, he was mandatorily sentenced to life without the possibility of parole. *Miller*, 132 S. Ct. at 2461. After he challenged his

sentence through state-court collateral proceedings, this Court struck it down; and on remand, the Arkansas Supreme Court further remanded the matter to the circuit court with instructions "to hold a sentencing hearing where Mr. Jackson may present *Miller* evidence for consideration." *Jackson v. Norris*, 2013 Ark. 175, 9, 426 S.W.3d 906, 911 (2013). The circuit court, in turn, sentenced Mr. Jackson after a hearing to a term of twenty years in prison, making him eligible for parole or transfer as of April of this year. *See* Kuntrell Jackson Inmate Search Results, Arkansas Department of Corrections, http://1.usa.gov/1Cpbljk (last visited July 14, 2015). In short, this Court's decision provided Kuntrell Jackson with a sentencing hearing at which it was determined that the just result in his individualized case involved the real possibility of release in the near future.

Under principles of "evenhanded justice," it cannot credibly be argued that Kuntrell Jackson should benefit from the scientific insights underpinning *Miller* while Henry Montgomery should be denied such consideration. Such a result would contravene logic, common sense, and basic notions of equity that dictate that similarly situated citizens are treated similarly under the law. Indeed, what was true in Kuntrell Jackson and Evan Miller's cases—that science proves that children are less

culpable and more capable of rehabilitation—was no less true in 1963, when Mr. Montgomery committed his offense, than it was in 2011. To say otherwise is to deny Mr. Montgomery his right to what this Court has required, not because of his own culpability or depravity, but simply because he committed his crime before society's understanding had evolved.

Seen in this light, *Miller* is the rare case in which non-retroactivity would wholly subvert the core principle of the constitutional right in question. The substantive heart of *Miller*'s reasoning is that a sentence of life without parole "reflects an 'irrevocable judgment about [an offender's] value and place in society' at odds with a child's capacity for change." 132 S. Ct. at 2465 (quoting *Graham*, 560 U.S. 48, 74 (2010)). In essence, it is a case about children's potential to reform at a later point in time and, accordingly, about the undeniable value of revisiting the past after a child has had time to grow and mature.

It would be a terrible irony, therefore, if this Court were to *prevent* lower courts from revisiting the pasts of individuals sentenced as children to life without parole by holding that *Miller* is not retroactive. Such a decision would reduce *Miller*'s raison d'etre to nothing more than a half-truth. *Teague* itself is admittedly premised on principles of finality, 489 U.S. at 308-09; but imposing a finality

rule on a class whose overarching characteristic is its unfixed and changeable nature would not merely be incongruous, but also fundamentally incompatible with *Miller*'s understanding that children's growth, moral development, and very identity are not final. Such a result would "disregard the possibility of rehabilitation even when the circumstances most suggest it." *Miller*, 132 S. Ct. at 2468. As a matter of logic, equity, and justice, such a result cannot stand.

CONCLUSION

For the foregoing reasons, *Amici* respectfully request that this Court find that its decision in *Miller v. Alabama* is retroactive and reverse the judgment below.

Respectfully Submitted,

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APPENDIX
AMICI CURIAE STATEMENTS OF INTEREST

The **Children and Family Justice Center (CFJC)**, part of Northwestern University Law School's Bluhm Legal Clinic, was established in 1992 as a legal service provider for children, youth and families, as well as a research and policy center. Clinical staff at the CFJC provide advocacy on policy issues affecting children in the legal system, and legal representation for children, including in the areas of delinquency and crime, immigration/asylum, and fair sentencing practices. In its 23-year history, the CFJC has served as *amici* in numerous state and United States Supreme Court cases based on its expertise in the representation of children in the legal system.

The **Center on Wrongful Convictions of Youth (CWCY)**, part of Northwestern University Law School's Bluhm Legal Clinic, was founded in 2008 and the first organization in the United States dedicated to uncovering and rectifying wrongful convictions of children and adolescents. The CWCY represents individuals who were wrongfully convicted of crimes as juveniles, promotes public awareness and support for nationwide initiatives aimed at preventing future wrongful convictions in the juvenile and criminal justice systems, and participates in litigation across the country as amicus counsel regarding the developmental issues that both make children uniquely vulnerable to police interrogation and likely to give a false confession, as well as less culpable for crimes they do commit. In particular, the CWCY has signed and

written amicus briefs that oppose theories of liability that automatically hold juveniles as culpable as adults (e.g. felony murder rules) and mandatory or automatic sentencing schemes that prevent judges from using youthfulness to mitigate punishment for youthful offenders. This Court recently cited a CWCY amicus brief in *J.D.B. v. North Carolina*, in explaining that the risk of false confession is "all the more acute" when a young person is interrogated. 131 S. Ct. 2394, 2401 (2011) (citing Brief for Center on Wrongful Convictions of Youth et al. as Amici Curiae at 21–22).

The **American Academy of Child and Adolescent Psychiatry (AACAP)** is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 8,800 members strong, AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7-15 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders. AACAP's members actively research, evaluate, diagnose, and treat psychiatric disorders, and pride themselves on giving direction to and responding quickly to new developments in addressing the health care needs of children and their families.

The **Barton Child Law & Policy Center** is a clinical program of Emory Law School dedicated to promoting and protecting the legal rights and interests of children involved with the juvenile court, child welfare and juvenile justice systems in Georgia. The Barton Center adopts an interdisciplinary,

collaborative approach to achieving justice for youth through which children are viewed in their social and familial contexts and provided with individualized services to protect their legal rights, respond to their human needs, and ameliorate the social conditions that create risk of system involvement. The Barton Center has engaged in policy and legislative advocacy to promote children's rights since it was founded in March 2000. The Center's systemic reform focus was supplemented by the addition of two direct representation clinics, the Juvenile Defender Clinic and the Appeal for Youth Clinic, in 2006 and 2011, respectively. In October 2013, the Appeal for Youth Clinic won a landmark decision in *Moore v. State*, 293 Ga. 705, in which the Supreme Court of Georgia ruled that *Roper v. Simmons*, 543 U.S. 551 (2005), applied retroactively and voided our client's sentence of life imprisonment without the possibility of parole.

The **Campaign for the Fair Sentencing of Youth (the Campaign)** is a national coalition that coordinates, develops, and supports efforts to implement just and reasonable alternatives to the harsh sentencing of America's youth. The focus of the Campaign is on abolishing life-without-parole sentences for all youth in the United States. The Campaign aims to create a society that respects the dignity and human rights of all children through a justice system that operates with consideration of the child's age, provides youth with opportunities to return to community, and bars the imposition of life-without parole for people under age eighteen. The Campaign consists of lawyers, religious groups, mental health experts, children's rights advocates,

victims, law enforcement, doctors, teachers, families, and people directly impacted by the sentence, who believe that young people deserve the opportunity to present evidence of their remorse and seek rehabilitation. Founded in February 2009, the Campaign uses a multi-pronged approach, which includes coalition-building, public education, strategic advocacy and collaboration with leading litigators—on both state and national levels—to accomplish its goal. The Campaign believes that the status of childhood and adolescence separates youth from adults in categorical and distinct ways such that, while youth should be held accountable, youth cannot be held to the same standards of blameworthiness and culpability of their adult counterparts.

The **Campaign for Youth Justice (CFYJ)** is a national organization created to provide a voice for youth prosecuted in the adult criminal justice system. CFYJ is dedicated to ending the practice of trying, sentencing, and incarcerating youthful offenders under the age of 18 in the adult criminal justice system; and is working to improve conditions within the juvenile justice system. CFYF promotes research-based, developmentally-appropriate rehabilitative programs and services for youth as an alternative. CFYJ also provides research, training and technical assistance to juvenile and criminal justice system stakeholders, policymakers, researchers, nonprofit organizations, and family members interested in addressing the unique needs of youth prosecuted in the adult system.

The **Center for Children's Advocacy, Inc.** is a non-profit organization based at the University of Connecticut School of Law, dedicated to the enhancement of the legal rights of poor children. For the last several years, counsel for the Center has worked closely with key parties in Connecticut to advocate against juvenile life without parole, provide for a "second look" for juveniles who have been sentenced for serious crimes and ensure that Connecticut's laws are in compliance with the Supreme Court's holding in *Miller v. Alabama*. As a result of these collaborative efforts, legislation to this end was passed this year, specifically, PA 15-84, An Act Concerning Lengthy Sentences For Crimes Committed By A Child Or Youth And The Sentencing Of A Child Or Youth Convicted Of Certain Felony Offenses. While PA 15-84 does not apply the *Miller* decision retroactively, the Center will continue to work with state partners to advocate for the *Miller* decision should be applied retroactively, whether through case law or legislation.

The **Center for Children's Law and Policy (CCLP)** is a public interest law and policy organization focused on reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in such systems. CCLP's work covers a range of activities including research, writing, public education, media advocacy, training, technical assistance, administrative and legislative advocacy, and litigation. CCLP works to reduce racial and ethnic disparities in juvenile justice systems, reduce the use of locked detention for youth and advocate safe and humane conditions of confinement for

children. CCLP helps counties and states develop collaboratives that engage in data driven strategies to identify and reduce racial and ethnic disparities in their juvenile justice systems and reduce reliance on unnecessary incarceration. CCLP staff also work with jurisdictions to identify and remediate conditions in locked facilities that are dangerous or fail to rehabilitate youth.

The **Center on Children and Families (CCF)** at the University of Florida Fredric G. Levin College of Law is an organization whose mission is to promote the highest quality teaching, research and advocacy for children and their families. CCF's directors and associate directors are experts in children's law, constitutional law, criminal law, family law, and juvenile justice, as well as related areas such as psychology and psychiatry. CCF supports interdisciplinary research in areas of importance to children, youth and families, and promotes child-centered, evidence-based policies and practices in dependency and juvenile justice systems. Its faculty has many decades of experience in advocacy for children and youth in a variety of settings, including the Virgil Hawkins Civil Clinics and Gator TeamChild juvenile law clinic.

The **Child Rights Project (CRP)** at Emory University engages law students and faculty in research and appellate advocacy to further the recognition of children's rights. Its mission is to insure that the voices of children and youth are heard in cases that may affect the well-being of young people. CRP has submitted or coauthored

briefs in numerous cases involving rights to health, education, equal protection and due process.

The **Children's Law Center, Inc.** was incorporated in 1989 to protect the rights of children through high quality individual legal advocacy as well as systemic reforms through impact litigation, policy changes, and training and education. The Center has played a significant role in many juvenile justice reforms including conditions of confinement, access to the court, right to counsel, sentencing and de-incarceration efforts. It has been committed to reducing the number of youth tried as adults and housed in adult facilities. Its work encompasses a system of principles which recognize the differences between youth and adults, and which strives to create fairer and just outcomes for youth to resolve legal issues as well as advocate for improved life outcomes in other areas.

Children's Law Center of California (CLC) is a non-profit, public interest law firm that provides legal representation for over 33,000 abused, neglected, or abandoned children that have come under the protection of either the Los Angeles or Sacramento County Juvenile Dependency Court systems. CLC's highly skilled, passionate and committed attorneys, investigators, and support staff fight to ensure the well-being and future success of its clients through a multi-disciplinary, independent and informed approach to advocacy. Unfortunately, a small but significant portion of our clients become involved with the criminal justice system. It is incumbent upon all stakeholders in the juvenile justice system to ensure those youth are treated

fairly and consistently within the bounds of the United States Constitution.

The **Children's Law Center of Minnesota (CLC)** is a 501c(3) organization whose mission is to promote the rights and interests of Minnesota's children, especially children of color and children with disabilities, in the judicial, child welfare, health care and education systems. CLC carries out its mission in three ways: (1) by providing direct legal representation for children in child protection matters in Minnesota juvenile court; (2) by advocating and participating in state-wide efforts to improve and reform the child protection and juvenile justice systems; and (3) by training volunteer lawyers and other child advocates to represent children.

The **Children's League of Massachusetts (CLM)** is a non-profit association of more than 85 private and public organizations and individuals that collectively advocate for public policies and quality services that are in the best interest of the Commonwealth's children, youth and families. Members of CLM include providers, advocates and regulators of services who know first-hand the struggles that children and their families face. Members of CLM work with and for at-risk youth every day and recognize that no child is inherently bad.

Citizens for Juvenile Justice (CfJJ) is an independent, non-profit policy organization that works to improve the juvenile justice system in Massachusetts. Its advocacy is shaped by the conviction that both children in the system and

public safety are best served by a fair and effective system that recognizes the ways children are different from adults and focuses primarily on their rehabilitation. CfJJ has an interest in promoting sentencing practices that take into account the fundamental characteristics of youth, and an interest in ensuring that no young person serves a sentence that is inconsistent with the Constitution.

The **Civitas ChildLaw Center** is a program of the Loyola University Chicago School of Law, whose mission is to prepare law students and lawyers to be ethical and effective advocates for children and promote justice for children through interdisciplinary teaching, scholarship and service. Through its Child and Family Law Clinic, the ChildLaw Center also routinely provides representation to child clients in juvenile delinquency, domestic relations, child protection, and other types of cases involving children.

The **Coalition for Juvenile Justice (CJJ)** is a non-profit, non-partisan, nationwide coalition of State Advisory Groups (SAGs), allied staff, individuals, and organizations. CJJ envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. CJJ serves and supports SAGs that are principally responsible for monitoring and supporting their state's progress in addressing the four core requirements of the Juvenile Justice and Delinquency Prevention Act and administering federal juvenile justice grants in their states. CJJ is

dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.

The **Committee for Public Counsel Services (CPCS),** the Massachusetts public defender agency, provides zealous legal representation for indigent juveniles and adults accused of the commission of crimes. Through individual representation and systemic advocacy, the **Youth Advocacy Division (YAD)** of CPCS protects and advances the legal and human rights of children and adolescents entangled in the juvenile and criminal justice systems. YAD provides leadership, training, support, and oversight to a diverse and collaborative juvenile defense bar that includes staff and private attorneys who accept appointments as counsel in delinquency, youthful offender, murder, appeals, and parole hearing cases. We believe that all children, no matter the date of their conviction, are entitled to a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

Communities for People (CFP) serves youth and families through community-based residential programs, managed care networks, adoption, foster care, outpatient services and management information systems. CFP strives to achieve permanency, independence and integration into the community for the youth and families we serve. CFP focuses on strengths to foster self, family and community empowerment.

The **Council of Juvenile Correctional Administrators (CJCA)** is a national non-profit organization, formed in 1994 to improve local juvenile correctional services, programs and practices so the youths within the systems succeed when they return to the community and to provide national leadership and leadership development for the individuals responsible for the systems. CJCA represents the youth correctional CEOs in 50 states, Puerto Rico and major metropolitan counties. CJCA believes that all children in the correctional system must have the opportunity to demonstrate growth and capacity to return to the community.

The **Defender Association of Philadelphia** is an independent, non-profit corporation created in 1934 by a group of lawyers dedicated to the ideal of high quality legal services for indigent criminal defendants. Today some two hundred and fifteen full time assistant defenders represent clients in adult and juvenile state and federal trial and appellate courts and in civil and criminal mental health hearings as well as in state and county violation of probation/parole hearings. Most relevant in this matter, Association attorneys represent juveniles charged with homicide. Life imprisonment without the possibility of parole is a possible sentence for juveniles found guilty in adult court of either an intentional killing or a felony murder. The Defender Association attorneys have represented numerous juveniles who have been sentenced to life imprisonment without parole.

The **Florida Public Defender Association** consists of 19 elected Public Defenders and hundreds

of attorney assistants. These attorneys represent the bulk of juvenile defendants prosecuted as adults in Florida, including many who have received a sentence of life without parole.

Gay & Lesbian Advocates & Defenders is a legal rights organization that works in New England and nationally to create a society free of discrimination based on sexual orientation, gender identity and expression, and HIV status. GLAD's Youth Initiative pursues litigation, public policy and advocacy, legislation, and intervention to ensure legal respect and recognition for LGBTQ youth. GLAD is particularly concerned that LGBTQ and gender non-conforming youth are disproportionately represented in the juvenile justice system.

The **Home for Little Wanderers (the Home)** is the nation's oldest and one of New England's largest private, not-for-profit child and family services organization. The Home provides vital programs and services for every stage of development, from birth to 22. For more than 200 years, The Home has earned a reputation for doing whatever it takes to strengthen vulnerable families and keep children safe in their own communities. The Home is particularly proud of its innovative programs that provide specialized assistance to youth transitioning to adulthood from state systems of care. Because of this work, The Home has firsthand experience with juveniles' ability to grow and change as they become adults and has made the agency a leading supporter of legislation and policies that recognize the science that distinguishes children from adults and affords youth the possibility of rehabilitation.

Human Rights Advocates (HRA), a California non-profit corporation founded in 1978 with national and international membership, endeavors to advance the cause of human rights to ensure that the most basic rights are afforded to everyone. HRA has Special Consultative Status at the United Nations and has participated at meetings of human rights bodies for over 25 years, where it has addressed the issue of juvenile sentencing. HRA has participated as amicus curiae in cases in the United States involving individual and group rights where international standards offer assistance in interpreting both state and federal law.

The **Illinois Coalition for the Fair Sentencing of Children (the Coalition)**, was founded in 2006 as an alliance of legal services agencies, community organizations, youth and parent groups, policy advocates, human rights organizations, faith entities, and private law firms dedicated to achieving fairer sentencing practices for youth and, specifically, to ending death-in-prison sentences for children. The Coalition has taken a multi-faceted approach to achieving its goals: training and engaging lawyers and supporting strategic litigation efforts, educating the public and key stakeholders regarding unfair and inhumane sentencing practices imposed on youth, developing communication strategies, drafting model legislation, and advocating for systemic reform.

Incarcerated Children's Advocacy Network (ICAN) is the United States' only national network of formerly incarcerated youth and is a project of the Campaign for the Fair Sentencing of Youth. ICAN's

mission is to address youth violence through restorative means and advocate for age-appropriate and trauma-informed alternatives. ICAN is committed to creating a fair and just society that recognizes the scientifically proven developmental differences between adolescents and adults. All ICAN members were convicted of murder and/or given a life sentence. Through sharing our personal stories, ICAN members work to highlight children's unique capacity for rehabilitation by providing living examples of positive change. Having received second chances ourselves, ICAN believes that all individuals sentenced as children should receive a second chance to make a positive impact on the community.

International CURE is a grassroots organization that advocates for prison reform. This includes abolishing the sentence of juveniles serving life sentences without parole.

The **Iowa Coalition 4 Juvenile Justice,** a focus group of **Iowa CURE**, introduces and passes legislation to abolish the sentence of life without the possibility of parole for juveniles. We include in legislation a retroactive provision enabling current offenders who were sentenced as juveniles to life without the possibility of parole to have their cases reviewed for re-assessment and re-sentencing with the possibility of parole. Our organization continually increases public awareness of, and commitment to, those imprisoned without possibility of parole for crimes committed as juveniles.

ISAIAH is an organization of congregations, clergy, and people of faith working together for racial and

economic justice in the state of Minnesota. ISAIAH and its predecessor organizations have nearly 25 years of experience speaking out for human dignity and civic inclusion through leadership development, collective action, and issue campaigns. ISAIAH leaders work with public officials at the local, regional, state and federal level to advance innovative solutions to systemic racism. Since 2013 ISAIAH has been instrumental in pushing for additional funding for state juvenile detention alternatives initiative, reducing disparities in educational discipline and reforming statewide juvenile justice policies.

The **James B. Moran Center for Youth Advocacy (Moran Center)** is a nonprofit organization dedicated to providing integrated legal and social work services to low-income youth and their families to improve their quality of life at home, at school, and within the community. Founded in 1981 as the Evanston Community Defender, the Moran Center has worked to protect the rights of youth in the criminal justice and special education systems for decades. Because of the Moran Center's critical position at the nexus of both direct legal and mental health services, we are uniquely positioned to advocate for the distinct psycho-social needs presented by youth in the criminal justice system.

The **Jesuit Conference** is the liaison office that coordinates the work of the Jesuits, the largest order of priests and brothers in the Roman Catholic Church, in Canada and the United States. Jesuits have long served at risk youth and youth involved in the juvenile and adult justice systems through a

variety of ministries. Jesuits follow the leadership of Pope Francis, himself a Jesuit, who has denounced the life without parole sentence as "a hidden death penalty." Various Jesuit ministries provide job training, mental health and other services to at risk or gang-involved youth, spiritual accompaniment in juvenile detention centers and adult prisons for many serving life-without parole sentences, support and accompaniment to family members of those serving these sentences, as well as advocacy on juvenile and criminal justice policy change at both the state and federal levels. We believe all youth deserve a second chance.

Jewish Prisoner Services International (JPSI) functions as an outreach program of Congregation Shaarei Teshuvah. Its purpose is to provide spiritual and advocacy services for Jewish prisoners, and assistance to their families, releases, probationers, and the like. JPSI works in partnership with various major Jewish organizations and social service agencies throughout the United States, Canada, Israel and elsewhere around the globe. JPSI's directors and volunteers come from all branches of Judaism. They include rabbis, lay leaders, educators, businessmen, attorneys, judges and other professionals.

The **John Howard Association of Illinois** provides critical public oversight of Illinois' prisons, jails, and juvenile correctional facilities. As it has for more than a century, the Association promotes fair, humane, and effective sentencing and correctional policies, addresses inmate concerns, and provides Illinois citizens and decision-makers with

information needed to improve criminal and juvenile justice.

JustChildren, a project of the Legal Aid Justice Center, is Virginia's largest children's law program. JustChildren relies on a range of strategies to make sure the Commonwealth's most vulnerable young people receive the services and supports they need to lead successful lives in their communities. We work to reform Virginia's juvenile justice system in the areas of deincarceration, access to counsel, reentry, and transfer. JustChildren also represents youth in juvenile prisons seeking access to more appropriate services and those tried as adults to obtain reduction or elimination of adult prison time. Working with these youth, many of whom have been convicted of serious felonies, we see how rehabilitation can transform a youth's behavior and attitude. Boys and girls involved in extensively dangerous behaviors have matured, turned their lives around, and persuaded Virginia judges that they no longer need to serve lengthy adult sentences. Children are uniquely capable of change.

Justice Policy Institute (JPI) is a national non-profit research and policy organization that works to advance policies that promote the well-being and justice for all people and communities. JPI's interests cover the spectrum of issues related to criminal and juvenile justice systems, including drug policy, alternatives to imprisonment through positive social investments, and racial disparities, among others. JPI has released a number of reports related to the juvenile justice system including, the negative effects of incarceration on young people, trying youth as

adults, and long prison terms on public resources, as well as, the positive benefits of investing in supports and services that help youth and their families succeed. Staff of JPI have served on the defense bar representing children before the courts, and administered and worked in juvenile and adult corrections agencies.

The **Justice Resource Institute (JRI)** is a Massachusetts-based, private nonprofit, with a 40 year history of direct service, policy development, and advocacy on behalf of young people involved in the juvenile justice system. We work with multiple public and private agencies to achieve the shared goals of public safety and of helping young people become contributing members of our communities. Because JRI recognizes the tremendous capacity of young people to change and grow, JRI has an interest in ensuring that all young people have an opportunity to serve sentences that recognize their potential and which are consistent with the Constitution of the United States.

The **Juvenile Justice Coalition** was formed in 1993 to advocate for youth involved in the juvenile justice system in Ohio. JJC's mission is a non-profit organization whose mission is to work individually and in partnership with other organizations to ensure that Ohio's juvenile justice system–from prevention through involvement with the adult court–works effectively to increase positive outcomes for youth, families and communities. JJC supports efforts to reduce youth's involvement with the juvenile justice system that are community-based,

research informed, culturally appropriate, and to put all of Ohio's youth on a path to success.

The **Juvenile Justice Initiative (JJI)** of Illinois is a non-profit, non-partisan, statewide coalition of state and local organizations, advocacy groups, legal educators, practitioners, community service providers and child advocates. The JJI mission is to transform the juvenile justice system in Illinois by reducing reliance on confinement, enhancing fairness for all youth, and developing a comprehensive continuum of community-based resources throughout the state. Our collaborations work in concert with other organizations, advocacy groups, concerned individuals and state and local government entities throughout Illinois to ensure that fairness and competency development are public and private priorities all children in conflict with the law.

The **Juvenile Rights Advocacy Project (JRAP)** is based at Boston College Law School and represents youth (with a focus on girls) who are in the delinquency system, comprehensively across systems, and until they reach majority. JRAP representation uses the legal system to access social and community services and hold systems accountable, reducing the use of incarceration and supporting girls in their communities. In addition to individual representation, the JRAP is involved in ongoing research and policy advocacy aimed at reducing incarceration and supporting youth in their communities.

The **Legal Aid Society**, founded in 1876 to provide legal assistance to low income immigrants, is the

nation's oldest and largest non-profit public interest law firm for low-income families and individuals. The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society's Juvenile Rights Practice (JRP) is the primary institutional provider of legal representation to children in New York City. JRP's attorneys, social workers, and paralegals provide comprehensive legal representation to children who appear before the New York City Family Courts in all five boroughs.

The **Louisiana Association of Criminal Defense Lawyers (LACDL)** is a voluntary professional organization of private and public defense attorneys practicing in Louisiana. The mission of LACDL is to promote a fair, accurate, and humane criminal justice system through education, advocacy, and the development of effective and professional defense lawyers. LACDL's mission includes the protection of individual rights guaranteed by the Louisiana and United States Constitutions. LACDL members regularly represent both adults and juveniles and, thus, have an intimate familiarity with the differences between these two types of offenders.

Louisiana Center for Children's Rights (LCCR) is the only statewide, non-profit advocacy organization focused on reform of the juvenile justice system in Louisiana. Its policy and impact litigation project, The Juvenile Justice Project of Louisiana (JJPL), was founded in 1997 to challenge the way the state handles court involved youth and pays particular attention to the high rate of juvenile incarceration in Louisiana and the conditions under which children are incarcerated. Through direct advocacy, research and cooperation with state run agencies, LCCR works to ensure that children's rights are protected at all stages of juvenile court proceedings, from arrest through disposition, post-disposition and appeal, and that the juvenile and adult criminal justice systems take into account the unique developmental differences between youth and adults in enforcing these rights. LCCR continues to work to build the capacity of Louisiana's juvenile public defenders by providing support, consultation and training, as well as pushing for system reform and increased resources for juvenile public defenders.

Loyola Law School's Center for Juvenile Law and Policy seeks to improve the justice system and outcomes for youth through public education, advocacy and client representation. The Center provides holistic representation for children at the trial, appellate and post-conviction stage through its three legal clinics: 1) the Juvenile Justice Clinic, which represents children in delinquency court; 2) the Youth Justice Education Clinic, which protects children's learning and educational rights; and 3) the Juvenile Innocence and Fair Sentencing Clinic, which represents prisoners who were wrongfully

convicted as youth or who as youth were sentenced to unjustly disproportionate adult prison sentences.

The **Massachusetts Appleseed Center for Law and Justice (MA Appleseed)** is a public interest law center that focuses on systemic initiatives. MA Appleseed has been instrumental in leading vital systemic reform initiatives in Massachusetts for over twenty years. MA Appleseed dedicates itself to removing barriers to access to justice for vulnerable groups, including proven-risk and underserved children and youth. Working with volunteer lawyers, service providers, advocates, policymakers, and community partners, MA Appleseed identifies and addresses gaps in services and opportunities ripe for policy change. We believe every child and youth is capable of rehabilitation and redemption, and that we as adults have an obligation to create a justice system that provides the opportunity for them to try.

The **Massachusetts Council of Human Service Providers, Inc.** is a statewide association of health and human service agencies. Founded in 1975, the Providers' Council is the state's largest human service trade association and is widely recognized as the official voice of the private provider industry.

Massachusetts Law Reform Institute (MLRI) is a non-profit poverty law and policy center whose mission is to advance economic, racial and social justice through legal action, education and advocacy. Through its Child Welfare and Family Law units, MLRI advocates for laws and policies that recognize the vulnerabilities and needs of low income youth, remove barriers to opportunity, and create a path to self-sufficiency for them.

Established in 1878, the **Massachusetts Society for the Prevention of Cruelty to Children (MSPCC)** is a statewide non-profit organization dedicated to ensuring the health and safety of children through direct services to children and families and public advocacy on their behalf. MSPCC promotes child well-being through prevention and intervention services, ensures children's mental and physical health through the provision of clinical care, supports biological, as well as foster and adoptive parents in the challenging, joyous work of raising children and speaks out and takes action in the public arena in support of laws standards and resources to protect children and help them thrive. MSPCC is interested in ensuring that youth have access to community based services and supports which can divert them from involvement in the juvenile justice system. Failing that, we seek to ensure that youth have the tools and supports they need to exercise their rights and that the procedures and responses of the juvenile justice system, at each step in the process, are fair and reflective of developmental status of the youth.

The **Mid-Atlantic Juvenile Defender Center (MAJDC)** at Georgetown Law is one of nine regional centers established by the National Juvenile Defender Center. MAJDC supports juvenile defenders in Maryland, Virginia, and West Virginia, the District of Columbia (DC), and Puerto Rico through technical assistance, training, and policy advocacy. MAJDC has conducted extensive training throughout the region, including training on adolescent development and representing youth in transfer proceedings. MAJDC also publishes resource

manuals on contemporary juvenile justice issues and is currently drafting a training manual on juvenile transfer in Maryland.

The **Midwest Juvenile Defender Center (MJDC)**, an affiliate of the National Juvenile Defender Center, provides leadership and resources for juvenile defenders throughout an eight state region. The MJDC maintains a listserv, holds regional trainings, provides resources for statewide trainings, participates in statewide juvenile defender assessments, provides resources and technical assistance to juvenile defenders in ongoing juvenile cases, and provides resources for Midwestern juvenile defenders to participate in policy advocacy.

Founded in 1977, the **National Association of Counsel for Children (NACC)** is a non-profit child advocacy and professional membership association dedicated to enhancing the wellbeing of America's children. The NACC works to strengthen legal advocacy for children and families by promoting well resourced, high quality legal advocacy; implementing best practices; advancing systemic improvement in child serving agencies, institutions and court systems; and promoting a safe and nurturing childhood through legal and policy advocacy. NACC programs which serve these goals include training and technical assistance, the national children's law resource center, the attorney specialty certification program, policy advocacy, and the amicus curiae program. Through the amicus curiae program, the NACC has filed numerous briefs involving the legal interests of children and their families in state and

federal appellate courts and the Supreme Court of the United States.

National Association of Criminal Defense Lawyers (NACDL) is a nonprofit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. NACDL was founded in 1958. It has a nationwide membership of approximately 10,000 and up to 40,000 with affiliates. NACDL's members include private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges. NACDL is the only nationwide professional bar association for public defenders and private criminal defense lawyers. NACDL is dedicated to advancing the proper, efficient, and just administration of justice including issues involving juvenile justice. NACDL files numerous amicus briefs each year in the U.S. Supreme Court and other courts, seeking to provide amicus assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole. NACDL has a particular interest in this case because the proper administration of justice requires that age and other circumstances of youth be taken into account in order to ensure compliance with constitutional requirements and to promote fair, rational and humane sentencing practices that respect the dignity of the individual.

The **National Black Law Students Association** one of the nation's largest student-run organization of its kind—representing nearly 4,500 members—operates a 5 Point Advocacy Plan, one of which

focuses on issues within the criminal justice system. Our organization has been committed to fighting social injustices since its inception and has filed numerous briefs to the U.S. Supreme Court that align with our organization's mission.

The **National Center for Youth Law (NCYL)** is a private, non-profit organization that uses the law to help children in need nationwide. For more than 40 years, NCYL has worked to protect the rights of low-income children and to ensure that they have the resources, support, and opportunities they need to become self-sufficient adults. NCYL provides representation to children and youth in cases that have a broad impact. NCYL also engages in legislative and administrative advocacy to provide children a voice in policy decisions that affect their lives. One of NCYL's priorities is to reduce the number of youth subjected to harmful and unnecessary incarceration and expand effective community based supports for youth in trouble with the law. One of the primary goals of NCYL's juvenile justice advocacy is to ensure that youth in trouble with the law are treated as adolescents, and not as adults, and in a manner that is consistent with their developmental stage and capacity to change within the juvenile justice system.

The **National Juvenile Defender Center (NJDC)** is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC responds to the critical need to build the capacity of the juvenile defense bar and to improve access to counsel and quality of representation. NJDC gives juvenile

defense attorneys a permanent and enhanced capacity to address practice issues, improve advocacy skills, build partnerships, exchange information, and participate in the national debate over juvenile justice. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. NJDC is helping to shape national and international law in an effort to abolish juvenile life without parole (JLWOP) sentences in the United States—the harshest sentence an individual can receive short of death, which violates international human rights standards of juvenile justice.

The **National Juvenile Justice Network (NJJN)** leads and supports a movement of state and local juvenile justice coalitions and organizations to secure local, state and federal laws, policies and practices that are fair, equitable and developmentally appropriate for all children, youth and families involved in, or at risk of becoming involved in, the justice system. NJJN currently comprises fifty-two member organizations across thirty-nine states, all of which seek to establish effective and appropriate juvenile justice systems. NJJN recognizes that youth are still maturing and should be treated in a developmentally appropriate manner that holds them accountable in ways that give them the tools to make better choices in the future and become productive citizens. Youth should not be transferred

into the adult criminal justice system where they are subject to extreme and harsh sentences such as life without the possibility of parole, and placed in adult prisons where they are exceptionally vulnerable to rape and sexual assault and have much higher rates of suicide.

The **New England Juvenile Defender Center** is the regional affiliate of the National Juvenile Defender Center. New England JDC provides support to juvenile trial lawyers, appellate counsel, law school clinical programs, and nonprofit law centers to ensure quality representation for New England's youth.

The **Northeast Juvenile Defender Center (NEDC)**, a regional arm of the National Juvenile Defender Center, is committed to improving access to and the quality of legal representation for children charged with juvenile delinquency, as well as juvenile justice system reform. In addition to providing training and back-up support for juvenile defenders in New Jersey, New York, Pennsylvania, and Delaware, NEDC regularly participates as *amicus curiae* in juvenile justice-related appeals in federal and state courts. Among many other issues, NEDC's advocacy efforts have focused on children tried as or incarcerated with adults, as well as juvenile life without parole.

The **Office of the Child Advocate (OCA)** is an independent office charged with investigating reports of "critical incidents" and child abuse and neglect involving children receiving services from state agencies, advising the public and government

officials on ways to improve services to children and families, and advocating for the humane and dignified treatment of children placed in the care or under the supervision of the Commonwealth, including those serving life sentences. The OCA's Director, Gail Garinger, a former juvenile court judge, and OCA staff have long advocated that the sentence of mandatory life without parole is inappropriate for youth and that no youth should be given such a sentence.

For more than 40 years, the **Office of the State Appellate Defender** has represented defendants in criminal appeals throughout the State of Illinois. Lawyers from our office handle all types of criminal cases, from misdemeanors to first-degree murder. Our lawyers also represent juvenile defendants. Many of our juvenile clients have been convicted of first degree murder, were under the age of 18 at the time of the offense, and were, prior to this Court's decision in *Miller v. Alabama*, subject to a mandatory sentence of natural life imprisonment.

The **Orleans Public Defenders (OPD)** is the largest full-time public defender office in the state of Louisiana. Its staff attorneys represent more than eighty-five percent of defendants in the Criminal District Court of Orleans Parish, where almost 5,000 new state felony cases were accepted for prosecution in 2014. OPD acts to 1) protect the guarantees of the Louisiana and United States Constitutions and maintain adherence to the rule of law, 2) foster a more open and inclusive society by increasing access to and protection within the courts for the poor and indigent, and 3) assist in the development and

expansion of rehabilitation and alternative programs for clients and their families. Lawyers from OPD have represented numerous child-defendants under the age of eighteen and charged with murder.

Established in 1991, **Parent/Professional Advocacy League (PPAL)** is a family-run, nonprofit organization dedicated to improving the mental health and well-being of children, youth and families through education, advocacy and partnership. Our member families are raising children and youth challenged by emotional, behavioral and substance use needs and often receive services through a variety of state agencies (child welfare, mental health, juvenile justice and education). PPAL provides targeted support, education and advocacy to more than 8,000 families each year as well as training and technical assistance to more than 350 family support providers across the state. In addition, many of our families report difficulty accessing services and treatment for their children which has resulted in behavior that leads to arrest, court involvement and even detention. PPAL provides direct family support to many of these families and also works to train others to better engage the families of youth in juvenile justice.

The 24-member **Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness** was established in January 2005 as a collaborative effort among the three branches of Pennsylvania state government. Its mission is to promote the equal application of the law for all Pennsylvania citizens. Toward that end, the

Commission evaluates and selects for implementation recommendations proposed by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System; raises both public and professional awareness of the impact of race, ethnic origin, gender, sexual orientation or disability on the fair delivery of justice in Pennsylvania; suggests ways to reduce or eliminate such bias or invidious discrimination within all branches of government and within the legal profession; and increases public confidence in the fairness of all three branches of government in Pennsylvania. One of the Commission's six committees is devoted to implementing recommendations on reforming the Pennsylvania criminal justice system. More particularly, the Criminal Justice Committee has been working to eliminate juvenile life without parole sentences in Pennsylvania.

The **Pennsylvania Psychiatric Society**, a District Branch of the American Psychiatric Association, represents and serves the profession of psychiatry in Pennsylvania. A statewide non-profit professional association, its 1,800 members are physicians practicing the medical specialty of psychiatry. The Society addresses a wide spectrum of issues affecting psychiatrists and persons receiving psychiatric services. It also addresses general medical and mental health issues.

Robert F. Kennedy Children's Action Corps is a leader in child welfare and juvenile justice, operating a number of programs and services for at-risk youth and families. Our work includes community based

initiatives, residential treatment and juvenile justice programs, and we partner with national organizations and state agencies to use proven methods and develop new ways to advance practices in the care of those most vulnerable. We help individuals and families overcome difficult challenges and situations by providing the tools and skills they need to heal, grow, and thrive. Everything we do is based on the belief that every child deserves the chance for a brighter tomorrow.

Roca is a Massachusetts-based agency dedicated to disrupting the cycle of incarceration and poverty by helping young people transform their lives. Roca's outcomes-driven Intervention Model serves 17-24 year-old high-risk, justice system-involved young people, and provides a robust combination of intensive street outreach, data-based case management, programming in life-skills, education, employment and job placement. Given our knowledge and experience in the fields of juvenile and adult criminal justice, we are keenly aware of and sensitive to the unique cognitive and behavioral characteristics of youth and young adults, and we remain committed to the notion that no you person is incapable of changing, beyond rehabilitation, or redemption.

Roxbury Youthworks, Inc. (RYI) is a community-based non-profit organization. Our mission is to help youth caught in cycles of poverty, victimization, and violence to transition successfully to adulthood. RYI first started to help decrease recidivism among young men and women from the Roxbury District Court. Today we serve youth up to 22 years of age in

Boston's juvenile justice or child welfare system with innovative supportive programs.

Saint Louis University Legal Clinic, founded in 1974, is a public interest law clinic based on the Jesuit mission of providing social justice to the poor in the State of Missouri. The **Children and Youth Advocacy Clinic,** created in 2006, provides holistic legal services to youth in the child welfare, criminal and juvenile justice systems by providing direct services to those charged with offenses and in need civil legal services.

The **Sentencing Project** is a 30-year-old national nonprofit organization engaged in research and advocacy on criminal justice and juvenile justice reform. The organization is recognized for its policy research documenting trends and racial disparities within the justice system, and for developing recommendations for policy and practice to ameliorate these problems. The Sentencing Project has produced policy analyses that document the increasing use of sentences of life without parole for both juveniles and adults, and has assessed the impact of such policies on public safety, fiscal priorities, and prospects for rehabilitation. Staff of the organization are frequently called upon to testify in Congress and before a broad range of policymaking bodies and practitioner audiences.

The **Southern Juvenile Defender Center (SJDC)** is the regional center affiliated with the National Juvenile Defender Center, serving and supporting the juvenile defender community in Alabama, Florida, Georgia, Louisiana, Mississippi, North

Carolina, and South Carolina. SJDC conducts extensive training in best practices in child advocacy, advancing systemic change, and understanding the nature of the maturation process and the effect of adolescent brain development on juveniles' cognition, behavior, and accountability. SJDC embraces the peer-reviewed research proving that children are fundamentally different than adults, and promotes the ideals of justice that require fair, humane, and nondiscriminatory sentencing practices that protect the dignity of our children and of our system.

The **Southern Poverty Law Center (SPLC)** is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. Since its founding in 1971, the SPLC has won numerous landmark legal victories on behalf of the exploited, the powerless, and the forgotten. SPLC lawsuits have toppled institutional racism in the South, bankrupted some of the nation's most violent white supremacist groups, and won justice for exploited workers, abused prisoners and incarcerated children, disabled children, and other victims of discrimination. The SPLC litigates throughout the South on behalf of incarcerated children, many of whom endure violent, abusive and punitive conditions. Additionally, the SPLC advocates for the establishment of just practices and effective opportunities to prevent children from ever entering the criminal justice system. The SPLC recognizes that those who are arrested as children are among the most vulnerable people in our society. The SPLC has a strong interest in ensuring that laws and

policies reflect evolving standards of decency and the reality that children are different.

The **U.D.C. David A. Clarke School of Law Juvenile and Special Education Law Clinic (JSELC)** represents children and parents (or guardians) primarily in special education and school discipline matters, often advocating on behalf of young people who also are enmeshed in the delinquency or criminal systems. JSELC protects and enforces the rights of students in administrative hearings, as well as in local and federal court. Over the course of thirty plus years working on behalf of juveniles, JSELC has observed the negative impact on individual children and on the community of overly punitive sentencing regimes that do not adequately consider the maturity and development of young people.

The **University of North Carolina School of Law's Youth Justice Clinic** represents children accused of crimes and status offenses in a wide variety of felony and misdemeanor cases, ranging from disorderly conduct to assault and drug distribution. Additionally, students represent children alleged to be truant, beyond the disciplinary control of their parents, and runaways, as well as sixteen and seventeen-year-olds who have petitioned for emancipation.

UTEC (United To Empower Change) seeks to ignite and nurture the ambition of our most disconnected young people to trade violence and poverty for social and economic success. UTEC serves youth ages 16-24 who are likely to have a major

negative impact on society based on their status as proven risk. UTEC's primary outcomes are: reduced recidivism and criminal activity, increased employability, and increased educational attainment and evidence shows a recidivism rate of UTEC-enrolled youth is less than 15%, compared with a statewide average above 60%. UTEC has an interest in guaranteeing all young people receive sentences which allow for successful and developmental transitions back into society and clear access to constitutional rights assuring a successful future in society.

Established in 2003, **Voices for Georgia's Children** is a nonprofit child policy and advocacy organization that envisions a Georgia where children are safe, healthy, educated, employable, and connected to their family and community. Our mission is to be a powerful, unifying voice for a public agenda that ensures the well-being of all of Georgia's children. To fulfill our mission and, ultimately, make life better for Georgia's children, we provide the necessary research-based information, measures, collective voice and proposed legislation to help guide decision makers in the right direction – that is, supporting policies that ensure Georgia's children grow up to be healthy, educated and productive citizens.

The **W. Haywood Burns Institute** is a national non-profit organization based in Oakland, California. We seek to protect and improve the lives of youth of color and poor youth by promoting fairness and equity in youth-serving systems across the country. Specifically, we work with local youth justice systems

to reduce racial and ethnic disparities using a data driven, consensus based approach.

The **Western Juvenile Defender Center (WJDC)**, a regional affiliate of the National Juvenile Defender Center, is very interested in the fair treatment of juvenile offenders. The WJDC along with the six other regional juvenile justice centers work closely with the National Juvenile Defender Center (NJDC) to provide regional leadership on juvenile indigent defense and due process deprivations that young people face in the court system by providing training, technical assistance, policy development, community-building, leadership opportunities, legislative advocacy, litigation support, and research.

The **Youth Advocate Programs (YAP)** is a non-profit, direct services organization founded in 1975. Our mission is to provide individuals who are, have been, or may be subject to compulsory care with the opportunity to develop, contribute and be valued as assets so that communities have safe, proven effective and economical alternatives to institutional placement. We recognize that strong families make strong communities and strong children, and oppose the incarceration of youth. YAP serves over 12,000 youth and families per year, specializing in youth who are typically rejected by government and other service providers because they present the most challenging cases. The agency provides child welfare, mental health and juvenile justice systems with cost-effective alternatives to residential, correctional and other out-of-home placements.

The **Youth Law Center (YLC)** is a national public interest law firm working to protect the rights of children at risk of or involved in the juvenile justice and child welfare systems. YLC attorneys have represented children in civil rights and juvenile court cases and are often consulted on juvenile policy matters, and have written widely on a range of juvenile justice issues. They are often consulted on important juvenile law issues and have provided research, training, and technical assistance on juvenile policy issues to public officials in almost every State. The Center has long been involved in public policy discussions, legislation and court challenges involving the treatment of juveniles as adults.

The **Youth Sentencing & Reentry Project (YSRP)** is a non-profit, non-partisan organization dedicated to supporting young people charged in the adult criminal justice system. YSRP is premised on the idea that charging and sentencing children as adults does not negate any of their youthful characteristics, and that children should be treated as children by the systems that are created to serve them. To this end, YSRP offers sentencing advocacy and reentry planning beginning as close to arrest as possible, for young people charged with crimes as if they were adults. A primary component of our sentencing advocacy work is developing mitigating information for each young person, in support of court-appointed and privately retained counsel. Utilizing the information developed during the mitigation investigation, YSRP begins planning for a young person's reentry into the community before a

sentence is imposed and throughout their placement in either the juvenile or adult systems, to ensure a youth-specific and individualized reentry plan upon release, and to turn the contact with the justice system into as positive of an intervention as possible.

INDIVIDUALS

Professor **Megan Annitto's** expertise is in the areas of criminal procedure and juvenile justice. Her research focuses on the role of age in the criminal justice system, such as the effects of youth on legal questions of consent, waiver of rights, sentencing, and rehabilitation. Her most recent article, *Graham's Gatekeeper and Beyond*, discusses parole release decision making and second look sentencing provisions in the wake of *Graham* and *Miller*. Before joining Charlotte School of Law, Professor Annitto was the Director of the Center for Law and Public Service at the West Virginia University College of Law. Professor Annitto remains active in juvenile justice issues and was appointed by the Chief Justice of the West Virginia Supreme Court to serve on a state commission to review conditions of confinement and rehabilitation. She is also a Policy Advisor to the Polaris Project in Washington, D.C. and serves on the board of the Council for Children's Rights and the Southern Defender Law Center.

Neelum Arya, J.D., M.P.A., is the Research Director for the David J. Epstein Program in Public Interest Law and Policy at UCLA School of Law. Her research explores the connections and contradictions between justice-system involvement, child well-being, and public safety, with a specialization in

youth who are prosecuted in the adult criminal justice system. Arya earned her Bachelors of Arts degree in Interdisciplinary Studies from UC Berkeley where she focused on children's welfare. Her postgraduate education includes a Juris Doctor from UCLA School of Law and a Masters in Public Administration from Harvard University's Kennedy School of Government with a concentration in Empirical Methods and Evaluation.

Susan L. Brooks is the Associate Dean for Experiential Learning and an Associate Professor of Law at the Drexel University Earle Mack School of Law. She has also taught Family Law and continues to develop innovative courses aimed at helping law students cultivate an appreciation for issues related to holistic representation, professionalism and access to justice. Dean Brooks received her J.D. degree from New York University School of Law in 1990, where she was awarded the Judge Aileen Haas Schwartz Award for Outstanding Work in the Field of Children and Law. Prior to attending law school, she practiced social work in Chicago. Dean Brooks received an M.A. in clinical social work from the University of Chicago-School of Social Service Administration (SSA) in 1984, and earlier earned a B.A. from the same university.

Tamar Birckhead is an associate professor of law and the director of clinical program at the University of North Carolina at Chapel Hill where she teaches the Youth Justice Clinic and the criminal lawyering process. Her research interests focus on issues related to juvenile justice policy and reform, criminal law and procedure, and indigent criminal

defense. Licensed to practice in North Carolina, New York, and Massachusetts, Professor Birckhead has been a frequent lecturer at continuing legal education programs across the United States. She is president of the board for the North Carolina Center on Actual Innocence and is a board member for the CFSY. Professor Birckhead received her B.A. from Yale University and her J.D. from Harvard Law School. She regularly consults on matters within the scope of her scholarly expertise, including issues related to juvenile justice policy and reform, criminal law and procedure, indigent criminal defense, and clinical legal education.

Laura Cohen is a Clinical Professor of Law, the Justice Virginia Long Scholar, and Director of the Criminal and Youth Justice Clinic at Rutgers School of Law – Newark. She also is Co-Director of the Northeast Juvenile Defender Center and, since 2013, has served as an expert consultant to the United States Department of Justice in its investigation of alleged due process violations in the St. Louis County, Missouri juvenile court. Previously, she was the Director of Training for the New York City Legal Aid Society's Juvenile Rights Division, Deputy Court Monitor for the U.S. District Court in *Morales Feliciano v. Hernandez Colon*, a federal class action challenging conditions of confinement in Puerto Rico's prisons, and as a Legal Aid staff attorney in the Bronx. Professor Cohen has written extensively on juvenile justice and has received numerous awards for her work, including, among others, the MacArthur Foundation's "Champion for Change" award.

Michele Deitch, J.D., M.Sc., is a Senior Lecturer in juvenile justice and criminal justice policy at the University of Texas, where she holds a joint appointment at the Lyndon B. Johnson School of Public Affairs and at the University of Texas School of Law. She is the lead author of From Time Out to Hard Time: Young Children in the Adult Criminal Justice System and several other major reports about problems facing youth in the adult criminal justice system. She has also been working with the Texas Legislature on issues related to implementation of the *Miller v. Alabama* decision and other juvenile justice reform issues. She served as part of the legal team that represented Christopher Pittman in his petition of certiorari to the United State Supreme Court in 2008 (*Pittman v. South Carolina*), challenging the constitutionality of a mandatory 30-year sentence without possibility of parole imposed on a 12-year old child.

Barbara Fedders is a clinical associate professor at UNC School of Law, where she co-directs the Youth Justice Clinic. She writes and lectures widely on youth justice issues.

Barry C. Feld is Centennial Professor of Law, University of Minnesota Law School, where he has taught since 1972. He received his B.A. in psychology from University of Pennsylvania; his J.D. from University of Minnesota Law School; and his Ph.D. in Sociology from Harvard University. He has written or edited ten books and about one hundred law review articles, book chapters, and peer-reviewed criminology articles on juvenile justice administration with emphases on race, gender,

procedural justice, and youth sentencing policy. He is the author of the leading Casebook and Nutshell on Juvenile Justice Administration. His most recent book, Kids, Cops, and Confessions: Inside the Interrogation Room (NYU Press 2013), is only the second empirical study of police interrogation in the United States, the first to examine questioning serious juvenile offenders, and received the outstanding book award from the Academy of Criminal Justice Sciences for 2015. He has served on numerous state and national juvenile justice law reform commissions and testified before state legislatures and the United States Congress. He is the recipient of honors and awards for juvenile justice advocacy including the ABA Livingston Hall Award in 2008.

Frank Furstenberg is the Zellerbach Family Chair, Emeritus, and a Professor of Sociology at the University of Pennsylvania. His research is on children, family, and public policy. He is a fellow of the National Academy of Medicine and the Academy of Arts and Sciences.

Judge Nancy Gertner (Ret.) is a retired judge of the United States District Court for the District of Massachusetts. She left the bench after a 17 year judicial career, in 2011 to join the faculty of the Harvard Law School. She teaches criminal law, criminal procedure, evidence, sentencing, and law and neuroscience. She has written on issues of punishment, and in particular, the implications of *Miller v. Alabama*.

Martin Guggenheim is the Fiorello La Guardia Professor of Clinical Law at N.Y.U. Law School, where he has taught since 1973. He served as Director of Clinical and Advocacy Programs from 1988 to 2002 and also was the Executive Director of Washington Square Legal Services, Inc. from 1987 to 2000. He has been an active litigator in the area of children and the law and has argued leading cases on juvenile delinquency and termination of parental rights in the Supreme Court of the United States. He is also a well-known scholar whose books include "What's Wrong with Children's Rights" published by Harvard University Press in 2005 and "Trial Manual for Defense Attorneys in Juvenile Court," published by ALI-ABA in 2007 which was co-authored with Randy Hertz and Anthony G. Amsterdam. He has won numerous national awards including in 2006 the Livingston Hall Award given by the American Bar Association for his contributions to juvenile justice.

Kristin Henning is a Professor of Law and the Director of the Juvenile Justice Clinic at Georgetown Law. Professor Henning was previously the Lead Attorney for the Juvenile Unit of the Public Defender Service for the District of Columbia, where she helped organize a specialized unit to meet the multi-disciplinary needs of children in the juvenile justice system. She has been active in local, regional and national juvenile justice reform. Professor Henning has published several law review articles on contemporary juvenile justice issues, including *Criminalizing Normal Adolescent Behavior in Communities of Color*, 98 Cornell L. Rev. 383 (2013). Henning was awarded the Robert E. Shepherd, Jr. Award for Excellence in Juvenile

Defense by NJDC in 2013 and the Shanara Gilbert Award by the Clinical Section of the Association of American Law Schools in 2008 for her commitment to justice on behalf of children.

Barry A. Krisberg is currently a Senior Fellow at the University of California, Berkeley School of Law Dr. Krisberg received his master's degree in criminology and a doctorate in sociology, both from the University of Pennsylvania. He served as the President of the National Council on Crime and Delinquency for over 30 years. Dr. Krisberg was a faculty member in the School of Criminology at the University of California at Berkeley and a Lecturer in Residence at UC Berkeley Law School. He was also a Visiting Professor at John Jay College in New York. In 1993 he was the recipient of the August Vollmer Award, the American Society of Criminology's most prestigious award. He was awarded the Lifetime Achievement Award from the ASC Division of People of Color. He has prepared several declarations for resentencing JLWOP cases under *Miller v Alabama* and California's SB 9 law.

Professor **Terry A. Maroney** has taught and written extensively about both juvenile justice and wrongful convictions, with a particular expertise in developmental and social psychology. She has participated as an amicus party in a number of juvenile-justice and wrongful-conviction cases, including before the U.S. Supreme Court.

Kim M. McLaurin is an Associate Dean for Alumni and External Affairs and Clinical Professor of Law at Suffolk University Law School. Dean McLaurin

teaches the Juvenile Defender Clinic in which she supervises law students as they represent juveniles charged with acts of juvenile delinquency, and the Marshall Brennan Constitutional Literacy Program. Prior to joining faculty at Suffolk Law School, Dean McLaurin worked in New York City with the Legal Aid Society in the Juvenile Rights Division. Dean McLaurin was employed in various legal positions at the Legal Aid Society culminating with the position of Attorney in Charge of the Queens Office. In this capacity, Dean McLaurin supervised an interdisciplinary office of approximately forty people, including staff attorneys, paralegals, social workers, investigators, and administrative staff. This office provided primary representation to children involved in juvenile delinquency matters and child protective matters in Queens, New York.

James R. Merikangas, MD is a Neuropsychiatrist trained at Johns Hopkins and Yale, now Clinical Professor of Psychiatry and Behavioral Science at the George Washington University School of Medicine where he teaches forensic psychiatry. He has testified in over 100 Capital cases, and has consulted to Juvenile Courts in Pittsburgh, PA and Bridgeport, CT. He has published in the Comprehensive Textbook of Psychiatry, The Journal of the American Academy of Psychiatry and the Law, and edited the text "Brain Behavior Relationships." He was a founding director of the American Neuropsychiatric Association, and is a former president of the American Academy of Clinical Psychiatrists. He currently has contracts with the Department of Justice in Washington, DC. And a number of death penalty legal defense organizations.

Julie McConnell is an Assistant Clinical Law Professor and Director of the Children's Defense Clinic at the University of Richmond School of Law. She and her students represent indigent youths accused of acts of delinquency. Previously, she was a prosecutor in the City of Richmond and was a supervisor in the Richmond Juvenile and Domestic Relations Court. In that office, she specialized in the prosecution of violent juvenile crimes, domestic violence, elder abuse, and child physical and sexual abuse, and homicide cases. Prior to becoming a prosecutor, McConnell served as an assistant public defender and as a law clerk for the Honorable James W. Benton in the Virginia Court of Appeals. Before law school, she worked with the Virginia ACLU and as a community organizer and lobbyist for several not-for-profits in the Virginia General Assembly and previously was a counselor and special education teacher at a group home for youths.

Judge Abner Mikva (Ret.) was elected in 1956 to the Illinois General Assembly, and to the U.S. Congress in 1968 and served for five terms. Appointed by President Carter to the U.S. Court of Appeals for the District of Columbia, Abner served for fifteen years, the last four as Chief Judge. In 1994, Judge Mikva resigned from the bench to become White House Counsel to President William J. Clinton. After service in World War II, Judge Mikva received his law degree from the University of Chicago. Following graduation, he served as a law clerk to Justice Sherman Minton on the Supreme Court. During his time in private practice Judge Mikva represented the West Side Organization,

which tried to break down prejudice in employment, housing, and schools. Judge Mikva has argued numerous cases before the Supreme Court and has received many awards including the Paul H. Douglas Ethics in Government Award from the University of Illinois and the Thurgood Marshall Award from the American Bar Association. He is also formerly the Senior Director of the Mandel Legal Aid Clinic at the University of Chicago Law School. Judge Mikva received the Presidential Medal of Freedom in 2014.

Professor **Wallace Mlyniec** is the former Director of Georgetown's Juvenile Justice Clinic. He served in that position from 1973 until 2015. He was the Associate Dean for Georgetown's clinical programs from 1986 until 2005. Professor Mlyniec also teaches courses in wrongful convictions and children's rights and assists with training fellows in the Prettyman Fellowship Program. He is author of numerous books and articles concerning criminal law and the law relating to children and families and has written and spoken extensively about clinical education and clinical pedagogy. Professor Mlyniec was the Director of the Judicial Conference Study on ABA Criminal Justice Standards. He is the former Chair of the ABA Committee on Juvenile Justice and former Chair of the Board of the NJDC. Professor Mlyniec is a recipient of numerous awards, including the Robert F. Drinan Award for contributions to public interest law, and the Gault Award for his work in juvenile advocacy. He received his B.S. at Northwestern University and his J.D. from Georgetown University Law Center.

Perry Moriearty is an Associate Professor at the University of Minnesota Law School. She co-directs the Child Advocacy and Juvenile Justice Clinic, teaches criminal law and researches and writes in the areas of juvenile law and justice, criminal justice and race and the law. As a practitioner, professor and researcher of juvenile law and justice, Professor Moriearty is intimately familiar with the history of the juvenile justice system and its categorical distinction from the adult criminal justice system. During the past three years, her work has focused almost exclusively on issues related to the impact of the United States Supreme Court's decisions in the cases *Roper v. Simmons*, *Graham v. Florida*, and *Miller v. Alabama*.

Mae C. Quinn is a Professor of Law at Washington University School of Law and has served as Director of its Juvenile Law and Justice Clinic. Quinn is a nationally recognized scholar in the areas of juvenile and criminal justice. Her research and writing has been published in leading journals including the Boston College Law Review, Iowa law Review, Washington and Lee Law Review, and New York University Review of Law and Social Change. Quinn and her students provide representation to individual youthful clients, including those sentenced in to mandatory life without parole prison sentences, and work to improve Missouri's juvenile justice system.

Professor **Jane M. Spinak** is the Edward Ross Aranow Clinical Professor of Law at Columbia Law School. A member of the Columbia faculty since 1982, she currently directs the Adolescent

Representation Clinic, which represents adolescents and young adults aging out of foster care. During the mid-1990s, Professor Spinak served as Attorney-in-Charge of the Juvenile Rights Division of The Legal Aid Society of New York City. In 2002, she became the founding Chair of the Board of the Center for Family Representation (CFR), an advocacy and policy organization dedicated to ensuring the procedural and substantive rights of parents in child-welfare proceedings. Professor Spinak has served on numerous tasks forces and committees addressing the needs and rights of children, youth and families and has trained, lectured and written widely on those issues. In 2005, the ABA's Human Rights Magazine named Professor Spinak a Human Rights Hero for her work on behalf of children. In 2008 she was awarded the Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare.